IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 5410 of 2007(R)

PETITIONER:
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1. SADANANDAN.V.K., S.N.SADANAM,
A.M.ROAD, MUNNAR.

2. N.K.SATHY, WIFE OF V.K.SADANANDAN,
S.N.SADANAM, A.M.ROAD, MUNNAR.

BY ADV. SRI.P.RAMAKRISHNAN
SMT.PREETHI RAMAKRISHNAN

RESPONDENTS:
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1. THE VILLAGE OFFICER,
K.D.H.VILLAGE, MUNNAR.

2. THE TAHSILDAR, DEVICOLAM.

3. THE SUB COLLECTOR, DEVICOLAM.

4. THE DISTRICT COLLECTOR, IDUKKI.

BY SPL. GOVERNMENT PLEADER D.ANIL KUMAR
ADV.SMT.AYSHA YOUSIFF, SC, MUNNAR.G.PANCHAYAT

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 5410 OF 2007

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Dated this the 20th day of June, 2007

JUDGMENT

Petitioners challenge Ext.P11. Ext.P11 is issued by the Village Officer of K.D.H. Village. By Ext.P11 petitioners are prevented from carrying out construction which the petitioners were set about to do on the basis of Ext.P8 permit. These are facts which are not in dispute. Petitioners obtained Ext.P8 on the basis of Ext.P5 interim order, wherein the learned Single Judge passed an interim order read as follows:

> "Petitioner will be permitted to effect construction in accordance with the building permit at their risk provided an undertaking to that effect is given to the Panchayat making it clear that the construction is subject to the decision in this case and also Writ Appeal against O.P.551/95."

2. The Writ Appeal filed against O.P.No.551/95 stands allowed by the Division Bench of this court. It is equally not in dispute that the State has preferred a SLP with delay condonation

petition and that the matter stand stayed. Learned counsel for the petitioners would submit that the petitioners do not intend to carry out construction permitted vide Ext.P8 till the decision of the Apex court in the SLP with delay condonation petition filed by the State. This is recorded. I make it clear that I have not gone into the various contentions raised by either side and I leave it open.

The writ petition is closed.

(K.M.JOSEPH, JUDGE)

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